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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/507,941	02/22/2000	Masato Ochiai	35.C14278	2960

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 06/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/507,941

Applicant(s)

OCHIAI, MASATO

Examiner

David E. England

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 23, 31, 34 and 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 23, 31, 34 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1 – 23, 31, 34 and 42 are presented for examination.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 2, 5, 9, 10, 12, 13, 16, 20, 21, 23, 31, 34, 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “predetermined “ “value” or “parameter” is not specifically defined in the specification.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 4, 15, 26, 37 are rejected under 35 U.S.C. 112, first paragraph, because the best mode contemplated by the inventor has not been disclosed. Evidence of concealment of the best mode is based upon in the claims disclosed above, the claims state, “said physical address is an IP address.” In the specification on page 6, lines 17 – 19 state that it is the, “logic address is an IP address.”

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3. Claims 1 – 3, 9 – 11, 20 – 22, 31 – 33, 42 – 44 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term own that is followed by a type of address is not specifically described in the specification. Please make appropriate changes.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1 – 6, 12, 13, 15 – 17, 23, 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto U.S. Patent No. 6049825.

5. Referencing claim 1, Yamamoto teaches a network apparatus comprising:

6. a receiving unit adapted to receive data from a network by using a standard protocol, (e.g. col. 3, lines 5 – 47);

7. a detecting unit adapted to receive a special attribute value in a packet header of the data received by said receiving unit, the packet header being provided for the standard protocol, (e.g. col. 2, lines 48 – 59 & col. 6, 49 – col. 7, line 22); and

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8. a setting unit adapted to set a predetermined parameter of said network apparatus in accordance with the attribute value detected by said detecting unit, (e.g. col. 2, lines 48 – 59 & col. 6, 49 – col. 7, line 22).
9. Referencing claim 2, Yamamoto teaches a destination logic address of the received data and a logic address of said apparatus differ and a destination physical address of the received data and a physical address of said apparatus are the same, said setting unit sets the predetermined parameter in accordance with the detected attribute value, (e.g. col. 6, line 49 – col. 7, line 22).
10. Referencing claim 3, Yamamoto teaches said setting unit sets a destination logic address of the received data to a logic address of said apparatus, (e.g. col. 2, lines 48 – 59 & col. 6, 49 – col. 7, line 22).
11. Referencing claim 4, Yamamoto teaches said standard protocol is an Internet protocol, and said physical address is an IP address, (e.g. col. 2, lines 48 – 59 & col. 6, 49 – col. 7, line 22).
12. Referencing claim 5, Yamamoto teaches said physical address is an MAC address, (e.g. col. 2, lines 48 – 59 & col. 6, 49 – col. 7, line 22).
13. Referencing claim 6, Yamamoto teaches the received data is an ICMP echo message by an ICMP protocol, (e.g. col. 2, lines 48 – 59 & col. 6, 49 – col. 7, line 22).
14. Claims 12, 13, 15 – 17, 23, 34 are rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

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15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 7 – 11, 14, 18 – 22, 31, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (6049825), in view of Isono et al. (6216171) (hereinafter Isono).

17. As per claim 7, Yamamoto does not teach the attribute value is a data length of the received data. Isono teaches the attribute value is a data length of the received data, (e.g. col. 5, lines 31 – 41). It would have been obvious to one skilled in the art at the time the invention was made to combine Yamamoto with Isono because it is more efficient for a packet to have some type of field to signify the length of the data so to aid in error checking for the number of bits that were sent.

18. As per claim 8, Yamamoto does not teach the attribute value is a TTL value of the received data. Isono teaches the attribute value is a TTL value of the received data, (e.g. col. 5, lines 31 – 41). It would have been obvious to one skilled in the art at the time the invention was made to combine Isono with Yamamoto because it is more efficient for a packet to have a TTL field in a packet so if the packet is taking too long to be transmitted through the Internet the packet could be dropped and aid in congestion control in a network.

19. As per claim 11, Yamamoto teaches an ICMP echo message, (e.g. col. 10, lines 30 – 44), and Isono teaches said setting unit sets a destination IP address of the received message to an IP address of said apparatus, (e.g. col. 6, lines 15 – 49). It would have been obvious to one skilled in the art at the time the invention was made to combine Isono with Yamamoto because of similar reasons stated in claim 3 and stated above.

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20. Claims 9, 10, 14, 18 – 22, 31, and 42 are rejected for similar reasons stated above.

21. Applicant's arguments with respect to claims 1 – 23, 31, 34 and 42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

23. a. Boucher et al. U.S. Patent No. 6434620 discloses TCP/IP offload network interface device.

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 703-305-5333. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are none for regular communications and none for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is none.

David E. England
Examiner
Art Unit 2143

De *DE*
June 2, 2003


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100